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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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| <p>SECURITIES INVESTOR PROTECTION<br/>CORPORATION,</p> <p style="text-align: center;">Plaintiff-Applicant,</p> <p style="text-align: center;">v.</p> <p>BERNARD L. MADOFF INVESTMENT<br/>SECURITIES LLC,</p> <p style="text-align: center;">Defendant.</p>   | <p>Adv. Pro. No. 08-01789 (SMB)</p> <p>SIPA LIQUIDATION</p> <p>(Substantively Consolidated)</p> |
| <p>In re:</p> <p>BERNARD L. MADOFF,</p> <p style="text-align: center;">Debtor.</p>   |   |
| <p>IRVING H. PICARD, Trustee for the Liquidation of<br/>Bernard L. Madoff Investment Securities LLC,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SAMUEL-DAVID ASSOCIATES, LTD.; ANN M.<br/>OLESKY, individually and in her capacity as<br/>General Partner of Samuel-David Associates, Ltd.;<br/>DAVID E. OLESKY, individually and in his capacity<br/>as a Limited Partner of Samuel-David Associates,<br/>Ltd.; and SAMUEL J. OLESKY, individually and in</p> | <p>Adv. Pro. No. 10-04453 (SMB)</p>   |

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| his capacity as a Limited Partner of Samuel-David Associates, Ltd., |  |
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| Defendants. |  |
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**NOTICE OF MEDIATOR SELECTION**

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”) [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on August 20, 2014, the Trustee and Defendants filed with this Court the Notice of Mediation Referral [Dkt. No. 46], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation prior to completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Stuart Hirshfield to act as Mediator in this matter. The Parties further agree to contact Stuart Hirshfield as soon as practicable after this Notice of Mediator Selection is filed with the Court.

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<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

The Parties further agree that no person shall act as Mediator if that person, or that person's law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: New York, New York

September 9, 2014

/s/ Nicholas J. Cremona  
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